

**Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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| In the Matter of |) | |
| |) | |
| Service Rules for Advanced Wireless |) | WC Docket No. 07-195 |
| Services in the 2155-2175 MHz Band |) | |
| |) | |
| |) | |

**COMMENTS OF THE
TEXAS OFFICE OF PUBLIC UTILITY COUNSEL
IN RESPONSE TO NOTICE OF PROPOSED RULEMAKING FOR
ADVANCED WIRELESS SERVICES IN THE 2155-2175 MHz BAND**

The Texas Office of Public Utility Counsel (“TOPC”)¹ respectfully submits comments in response to the Federal Communications Commission’s (FCC’s) Notice of Proposed Rulemaking in WT Docket No. 07-195, Released September 19, 2007. This Proposed Rulemaking requests comment on service rules for Advanced Wireless Services in the 2155-2175 MHz Band. This particular segment of spectrum has been described as opening a door to education and economic opportunities to consumers. TOPC provides very limited initial comments specifically commenting on the need to have renewal application requirements so all consumers may be enriched by this spectrum block and to provide 911/E911 service for consumers.

¹ TOPC is a state agency created by the Texas Legislature to represent the interest of residential and small commercial consumers involving telephone and electric utility issues. Public Utilities Regulatory Act, Tex. Gov’t Code Ann. § 13.001 (Vernon 1998 & Supp. 2005).

TOPC urges the Commission to have requirements for renewal of 2155-2175MHz band licensees. The factors that should be considered for renewal are the level of service and whether it was substantial; whether service was interrupted and discontinued; and whether service has been provided to rural areas. The Commission can do this by requiring the licensee to file mid-term and end of term benchmarks for the above requirements. Spectrum that is not being utilized should revert back to the Commission allowing for re-licensing through competitive bidding. These requirements would ensure all consumers are receiving the benefit of this spectrum.

TOPC also urges the Commission to require 911/E911 for licensees that provide a Commercial Mobile Radio Service. Consumers have come to rely on the ability to reach emergency responders via their wireless devices. TOPC supports the Commission's Notice that Part 20 applies to all CMRS providers even though the stations may be licensed under other parts of Commission rules.

Respectfully submitted,

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